

**PATENT APPLICATION
DOCKET NO. 10002575-1**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S): Shell S. Simpson et al **GROUP ART UNIT:** 2624
SERIAL NO.: 09/712,308 **EXAMINER:** Stephen M. Brinich
FILED: 11/13/2000
SUBJECT: SYSTEM AND METHOD FOR
DYNAMICALLY PROVIDING PRINTING STATUS

U.S. PATENT AND TRADEMARK OFFICE
COMMISSIONER OF PATENTS
ALEXANDRIA, VA 22313

APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS.

Claims 2 and 3 have been cancelled. Claims 1 and 4-23 are pending. All pending claims are appealed.

4. STATUS OF AMENDMENTS.

No amendments have been filed after the final action was entered. All previous amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

Claim 1 recites a method of providing a print status that includes receiving a set of executable instructions from a printer. *See, e.g.*, Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The instructions are executable by the computer to cause the computer to display a print status page based upon dynamic input received from the printer printing a print job received from the computer. *See, e.g.*, Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The instructions are executed so as to generate the print status page. *See, e.g.*, Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23.

Claim 7 recites a method that includes transmitting, by a server, a set of executable instructions to a client, where the set of executable instructions is an agent of a particular printer. *See, e.g.*, Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The set of instructions is received by the client. *See, e.g.*, Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The set of instructions is executed by the client to generate a print job, transmit the print job to the printer, and to display a print

status page as the printer prints the print job. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The print status page describes a present status of the print job while the printer prints the print job. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23.

Claim 11 recites a method that includes receiving, by a printer, a request from the computer. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The printer responds by transmitting a set of executable instructions to the computer. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The set of executable instructions enables the computer to generate and to then transmit a print job to the printer. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The set of executable instructions further enables the computer to display a print status page while the printer is printing the print job. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The print status page indicates a present status of the print job while the printer prints the print job. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23.

Claim 13 recites a computer system that includes a printer and a client. See, e.g., Specification, Figures 12 and 13. The printer is configured to provide the client with a set of executable instructions. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The set of instructions enables the client to display a print status page while the printer is printing a print job received from the client based upon dynamic input received by the client from the printer. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23.

Claim 19 recites a computer that includes an I/O port. The Computer includes means for serving a set of executable instructions over the I/O port to a client device in response to receiving a request from the client. See, e.g., Specification, page 21, lines

10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. and Fig. 12. The set of executable instructions is an agent of a particular printer. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23. The set of executable instructions enable the client to display a Web Page that indicates a status of a print job presently being printed by the printer. See, e.g., Specification, page 21, lines 10-15, page 22, line 28 through page 23, line 10, and page 24, lines 16-23.

6. GROUNDS FOR REJECTION TO BE REVIEWED.

A. Claims 1, 4, 7-8, 10-15, and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,903,832 issued to Maekawa.

B. Claims 5, 6, 9, 16, and 18-23. were rejected under 35 U.S.C. §103(a) as being unpatentable over Maekawa.

7. ARGUMENT.

A. Ground For Rejection A – Claims 1, 4, 7-8, 10-15, and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,903,832 issued to Maekawa.

Claim 1 is directed to a method of providing a print status and recites the following:

- (a) receiving a set of executable instructions from a printer, the instructions executable by the computer to cause the computer to display a print status page based upon dynamic input received from the printer printing a print job received from the computer; and
- (b) executing the instructions so as to generate the print status page.

Asserting that Maekawa teaches the act of receiving listed above, the Examiner makes the following statement at page 2 of the final office action:

Maekawa et al discloses (column 2, line 65 - column 3, line 12; column 5, line 62 - column 10, line 44 (particularly column 5, line 64 – column 6, line 6; column 7, lines 12-16; and column 9, line 49-59); and Figures 1 & 4-9) an arrangement in which an external device (e.g. a computer) 101 sends instructions to a printer 102 which are executed by the printer to carry out print jobs (in which the printer generates a hard copy representation of data representing an image), and the printer (specifically, the printer controller 103) sends instructions (a status indication signal) which are executed by the external device 101 to generate the display of a print status page that reflects this status indication signal.

Attention is drawn to page 4, lines 4-9 of the specification which provide an exemplary discussion of the phrase “executable instructions” As that phrase is used in the context of Claim 1. It is initially noted that the status signal sent by the printer controller (103) to the external device (101) is not a set of executable instructions. As such Maekawa fails to teach or suggest receiving a set of executable instructions from a printer or executing such instructions as recited by Claim 1. More particularly, Maekawa explicitly states:

In response to the received status, the utility software on the external device 101 executes a responsive operation such as a display of the status on the external device 101.

Maekawa, col. 9, lines 57-59. In other words, the status or the status signal is simply informational data and should not be confused with an executable instruction or set of executable instructions Attention

To further explain, Maekawa discusses a printer controller (103) of a printer (102). The Printer controller (103) includes a host interface (302) that serves as a signal input/output unit for communicating with an external device (101) such as a host computer. Maekawa, col. 5, line 64 through col. 6, line 6. Maekawa mentions that an unrepresented utility software application is present on the external device (101). Upon receiving a status signal from the host interface (302) of the printer controller (103), that software application executes a responsive operation on the display of the external device (101) with regard to that status. Maekawa, col. 7, lines 12-15 and col. 9, lines 57-59.

To reiterate, Maekawa teaches a utility application previously installed on a host computer that receives a signal indicative of a printer's status from that printer. In

response to that signal, the host computer executes previously installed instructions that make up that previously installed utility application in order to create some form of display by the external device. Plainly, Maekawa's external device (101) does NOT execute the status signal it receives. Instead, Maekawa's external device executes the instructions that form the utility application in response to receiving the status signal to display a status indicated by that signal. Maekawa's status signal is not an executable instruction. It is not a set of executable instructions. Furthermore, the instructions that form Maekawa's utility application are NOT sent from the printer (102) to the external device (101).

Consequently, Maekawa does not teach or suggest a method that includes receiving a set of executable instructions from a printer, the instructions executable by the computer to cause the computer to display a print status page based upon dynamic input received from the printer printing a print job received from the computer. For at least this reason, Claim 1 is patentable over Maekawa as are Claims 4-6 due at least in part to their dependence from Claim 1.

Claim 7 is directed to, in a client server system that includes a server connected to a client, a method that includes the following:

- (a) transmitting, by the server, a set of executable instructions to a client, where the set of executable instructions is an agent of a particular printer;
- (b) receiving, by the client, the set of instructions;
- (c) executing, by the client, the set of instructions to:
 - 1) generate a print job;
 - 2) transmit the print job to the printer;
 - 3) display a print status page as the printer prints the print job, where the print status page describes a present status of the print job while the printer prints the print job.

The Examiner provided the same explanation for Rejecting Claim 7 as he provided for Claim 1. As with Claim 1, Maekawa fails to teach or suggest a method that includes transmitting, by the server, a set of executable instructions to a client, where the set of executable instructions is an agent of a particular printer and are to be executed by that client to display a print status page. For at least the same reasons

Claim 1 is patentable over Maekawa, so are Claim 7 and Claims 8-10 which depend from Claim 7.

Furthermore, Claim 7 recites that the set of instructions received from the printer are executed by the computer to generate a print job. The Examiner only asserts that Maekawa external device sends instructions to a printer. The Examiner does not contend nor does Maekawa teach or suggest that a printer send instructions to a computer such that when executed by the computer, the instructions generate and transmit a print job to the printer. For this additional reason Claim 7 is patentable over Maekawa, as is are Claims 8-10 which depend from Claim 7.

Claim 11 is directed to, in a computing system that includes a computer connected to a printer, a method that includes:

- a) receiving, by the printer, a request from the computer;
- b) responding, by the printer, to the request by transmitting a set of executable instructions to the computer;
- c) wherein the set of executable instructions enables the computer to generate and to then transmit a print job to the printer;
- d) wherein the set of executable instructions further enables the computer to display a print status page while the printer is printing the print job;
- e) wherein the print status page indicates a present status of the print job while the printer prints the print job.

The Examiner provided the same explanation for Rejecting Claim 11 as he provided for Claim 1. As with Claim 1, Maekawa fails to teach or suggest a method that includes a printer transmitting a set of executable instructions to a computer where the set of executable instructions enables the computer to display a print status page while the printer is printing the print job. For at least the same reasons Claim 1 is patentable over Maekawa, so are Claim 11 and Claim 12 which depends from Claim 11.

Furthermore, Claim 11 recites that the set of instructions received from the printer enable the computer to generate and transmit a print job to the printer. The Examiner only asserts that Maekawa external device sends instructions to a printer. The Examiner does not contend nor does Maekawa teach or suggest that a printer send instructions to a computer such that when executed by the computer, the

instructions generate and transmit a print job to the printer. For this additional reason Claim 11 is patentable over Maekawa as is Claim 12 which depend from Claim 7.

Claim 13 is directed to a computer system that includes a printer and a client connected to the printer. Claim 13 recites that:

- a) wherein the printer is configured to provide the client with a set of executable instructions;
- b) wherein the set of instructions enables the client to display a print status page while the printer is printing a print job received from the client based upon dynamic input received by the client from the printer.

The Examiner provided the same explanation for Rejecting Claim 13 as he provided for Claim 1. As with Claim 1, Maekawa fails to teach or suggest a printer that is configured to provide a client with a set of executable instructions that enable the client to display a print status page while the printer is printing a print job received from the client based upon dynamic input received by the client from the printer. For at least the same reasons Claim 1 is patentable over Maekawa, so are Claims 14-18 which depend from Claim 13.

B. Ground For Rejection B – Claims 5, 6, 9, 16, and 18-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maekawa.

Claims 5 and 6 depend from Claim 1. For at least the same reasons Claim 1 is patentable over Maekawa, so are Claims 5 and 6.

Claim 9 depends from Claim 7. For at least the same reasons Claim 7 is patentable over Maekawa, so is Claim 9.

Claims 16 and 18 depend from Claim 13. For at least the same reasons Claim 13 is patentable over Maekawa, so are Claims 16 and 18.

Claim 19 is directed to computer that includes:

- a) an I/O port;
- b) means for serving a set of executable instructions over the I/O port to a client device in response to receiving a request from the client;
- c) wherein the set of executable instructions is an agent of a particular printer;
- d) wherein the set of executable instructions enable the client to display a Web Page that indicates a status of a print job presently being printed by the printer.

The Examiner provided no substantive explanation for rejecting Claim 19 beyond that which he provided from Claim 1. As with Claim 1, Maekawa fails to teach or suggest a computer that includes means for serving a set of executable instructions over an I/O port to a client device in response to receiving a request from the client where the set of executable instructions is an agent of a particular printer and enables the client to display a Web Page that indicates a status of a print job presently being printed by the printer. For at least this reason, claim 19 is patentable over Maekawa as are Claims 20-23 due at least in part to their dependence from Claim 1.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that Claims 1 and 4-23 define allowable subject matter. The Examiner is requested to indicate the allowability of all claims in the application and to pass the application to issue.

Respectfully submitted,
Shell S. Simpson, et al

By /Jack H. McKinney/
Jack H. McKinney
Reg. No. 45,685

November 30, 2006

APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1. (previously presented) In a computer, a method of providing a print status, comprising:

(a) receiving a set of executable instructions from a printer, the instructions executable by the computer to cause the computer to display a print status page based upon dynamic input received from the printer printing a print job received from the computer; and

(b) executing the instructions so as to generate the print status page.

2-3 (canceled)

4. (Previously presented) The method of claim 1, wherein the set of executable instructions is further executable by the computer to generate and to then transmit a print job to the printer; and

wherein the method further comprises:

prior to executing the instructions to generate the print status page, executing the instructions so as to generate and to transmit the print job to the printer.

5. (Previously presented) The method of claim 1, wherein the set of executable instructions is HTML code, JAVA SCRIPT or C-Sharp code.

6. (Previously presented) The method of claim 1, wherein the print status page is a WEB Page.

7. (Previously presented) In a client server system that includes a server connected to a client, a method comprising:

(a) transmitting, by the server, a set of executable instructions to a client, where the set of executable instructions is an agent of a particular printer;

(b) receiving, by the client, the set of instructions;

(c) executing, by the client, the set of instructions to:
generate a print job;

transmit the print job to the printer;
display a print status page as the printer prints the print job, where
the print status page describes a present status of the print job while the
printer prints the print job.

8. (Previously presented) The method of claim 7, wherein the printer
comprises the server.

9. (Previously presented) The method of claim 7, wherein the server is a
Web Server and the client is a Web Client.

10. (Previously presented) The method of claim 7, wherein executing the set
of instructions causes the client to:
generate a generic access request to retrieve a set of data that describes an
image; and
use the retrieved set of data to generate the print job.

11. (Previously presented) In a computing system that includes a computer
connected to a printer, a method comprising:
(a) receiving, by the printer, a request from the computer;
(b) responding, by the printer, to the request by transmitting a set of executable
instructions to the computer;
wherein the set of executable instructions enables the computer to generate and
to then transmit a print job to the printer;
wherein the set of executable instructions further enables the computer to
display a print status page while the printer is printing the print job;
wherein the print status page indicates a present status of the print job while the
printer prints the print job.

12. (Previously presented) The method of claim 11,
(c) receiving, by the computer, the executable set of instructions;
(d) executing, by the computer, the executable set of instructions to:

- (i) generate and transmit a print job to the printer; and
- (ii) display a print status page while printer is printing the print job.

13. (Previously presented) A computer system, comprising:

a printer; and

a client connected to the printer;

wherein the printer is configured to provide the client with a set of executable instructions;

wherein the set of instructions enables the client to display a print status page while the printer is printing a print job received from the client based upon dynamic input received by the client from the printer.

14. (Previously presented) The computer system of claim 13, wherein the printer and the client are connected over a network.

15. (Previously presented) The computer system of claim 13, wherein the set of instructions further enable the client to generate and to transmit the print job to the printer.

16. (Previously presented) The computer system of claim 13, wherein the set of instructions is HTML code.

17 (Previously presented) The computer system of claim 13, wherein the printer comprises means for serving the set of executable instructions to the client upon receiving a request from the client.

18. (Previously presented) The computer system of claim 17, wherein the client runs a Web Browser and the print status page is displayed by the Web Browser.

19. (Previously presented) A computer, comprising:
an I/O port;

means for serving a set of executable instructions over the I/O port to a client device in response to receiving a request from the client;

wherein the set of executable instructions is an agent of a particular printer;

wherein the set of executable instructions enable the client to display a Web Page that indicates a status of a print job presently being printed by the printer.

20. (Previously presented) The computer of claim 19, wherein the computer is the printer.

21. (Previously presented) The computer of claim 20, wherein the set of executable instructions further enable the client to generate and transmit the print job to the printer.

22. (Previously presented) The computer of claim 19, wherein the computer is a server computer remotely connected to the client device.

23. (Previously presented) The computer of claim 22, wherein the status page is based upon dynamic input received from the printer.

Evidence Appendix

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.